

REMARKS/ARGUMENTS

Claims 41-44 and 85-88 are pending. Reconsideration is respectfully requested.

1. Title

The title has been amended to reflect the fact that all the method claims have been cancelled from the present application (pursuant to a restriction requirement).

2. Rejection of Claims 41-44 and 85-88 Under § 102(b)

Claims 41-44 and 85-88 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,157,575 (Choi). It should be noted that Choi issued on December 5, 2000, which is less than year prior to the filing date (July 26, 2001) of the present application. Thus, it is assumed the Examiner intended to reject the claims under § 102(e) and not under § 102(b). Nevertheless, the Applicant respectfully traverses the rejection that Choi anticipates the rejected claims.

Independent claims 41 and 43 recite, among other things, that the control gate has a first portion that is substantially rectangularly shaped, and a second portion that is connected the control gate first portion and is substantially a spacer that is disposed over the floating gate. In contrast, Choi teaches two control gates: 116c and 116b (see Fig. 14; Column 6, lines 45-50; and Column 9, lines 55-63). As shown in Fig. 14, neither control gate 116c or control gate 116b include a second portion that is substantially a spacer (which is connected to a substantially rectangularly shaped first portion). Therefore, it is respectfully submitted that Choi does not anticipate claims 41 and 43 (and claims 42 and 44 dependent thereon).

In the Office Action, the Examiner cites Col. 7, lines 2-39 for allegedly teaching the elements of the rejected claims. However, this text merely discloses the arrangement and connection of the various transistors, and the erasing operation. This is no apparent teaching of the structure of the control gate, let alone a control gate having first and second portions as recited in claims 41 and 43.

For these reasons, it is respectfully submitted that claims 41-44 are not anticipated by Choi.

Independent claims 85 and 87 recite, among other things, that the control gate has a first portion having a substantially planar sidewall portion, and a second portion that is connected to the substantially planar sidewall portion and is substantially a spacer that is disposed over the floating gate. In contrast, neither of the Choi control gates 116c and 116b include a spacer portion connected to a planar sidewall portion. Therefore, it is respectfully submitted that Choi does not anticipate claims 85 and 87 (and claims 86 and 88 dependent thereon).


In the Office Action, the Examiner cites Col. 9, lines 8-54 for allegedly teaching the elements of claim 85. However, this text merely discloses the method steps for making the structures in Figs. 9-11. Neither this text or Figs. 9-11 teach the first and second portions of the control gate as recited in claim 85. The Examiner also cites Col. 7, lines 2-39 for allegedly teaching the elements of claim 87. However, as stated above, this text merely discloses the arrangement and connection of the various transistors, and the erasing operation. There is no apparent teaching of the structure of the control gate, let alone a control gate having the first and second portions as recited in claim 87.

For these reasons, it is respectfully submitted that claims 85-88 are not anticipated by Choi.

For the foregoing reasons, it is respectfully submitted that the application is in an allowable form, and action to that end is respectfully requested.

Respectfully submitted,
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